

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW MEXICO**

**Amended Petition for Revocation of Supervised Release**

Name of Offender: Epifanio Espinosa  
Docket Number: 1084 1:21CR01326-001MV  
Assigned Judge: Honorable Martha Vazquez, Senior United States District Judge  
Date of Original Sentence: 04/13/2023  
Original Offense: 21 U.S.C. 841(a)(1): Possession with Intent to Distribute a Mixture and Substance Containing Methamphetamine  
Original Sentence: BOP: 70 days or time served; TSR: 5 years  
Date Supervision Commenced: 04/27/2023  
Date Supervision Expires: 04/26/2028  
Other Court Action: 07/13/2023: A Petition for Revocation of Supervised Release was filed. The defendant tested positive for controlled substances. A summons to appear was requested. Matter is pending adjudication.

---

**PETITIONING THE COURT**

To issue a warrant.

U.S. Probation Officer of the Court, Juan Vidal-Alvizo, alleges the defendant has violated the following condition(s) of supervised release.

<b><i>Violation Type</i></b>	<b><i>Nature of Noncompliance</i></b>
----------------------------------	---------------------------------------

SPC	You must submit to substance abuse testing to determine if you have used a prohibited substance. Testing shall not exceed more than 60 test(s) per year. Testing may include urine testing, the wearing of a sweat patch, and/or any form of prohibited substance screening or testing. You must not attempt to obstruct or tamper with the substance abuse testing methods. You may be required to pay all, or a portion, of the costs of the testing.
-----	---

The defendant was directed to report for a scheduled urine screen at the probation office on July 6, 2023. The defendant failed to report as directed.

MC	You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
----	---

The defendant tested positive for Methamphetamines on two different occasions. On June 8<sup>th</sup> and June 27, 2023, the defendant submitted to urine screens, which returned positive for methamphetamines.

SPC  
**AMENDED**

You must not use or possess alcohol.

On August 9, 2023, during a home visit to the defendant's reported address, a Jack Daniels bottle containing alcohol and a glass pipe was located. When questioned, the defendant admitted recently consuming alcohol and methamphetamine.

MC  
**AMENDED**

You must not unlawfully possess a controlled substance.

On August 9, 2023, a home visit to the defendant's reported address was conducted. During the visit, probation authorities observed a small glass container containing a crystal-like substance on top of the couch. The defendant was asked about the substance inside of the container and he immediately admitted to purchasing \$50.00 dollars' worth of methamphetamine. He subsequently admitted to consuming methamphetamine on or around August 7, 2023.

MC  
**AMENDED**

You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

On July 27, 2023, the defendant submitted a urine sample which returned positive for Amphetamines. When confronted with the results, the defendant admitted using methamphetamines prior to submitting the sample. This is evidenced by documentation received from the United States Drug Laboratory.

This marks the defendant's third positive drug test for illegal controlled substances since 04/27/2023. Pursuant to 18 U.S.C. 3583 (g)(4) if the defendant tests positive for illegal controlled substances more than three times over the course of one year, supervision must be revoked, and the defendant must be sentenced to a term of imprisonment. However, sentencing provisions authorize the Court, acting in accordance with sentencing guidelines, to exempt an offender who fails a drug test, from the mandatory revocation and imprisonment provisions, pursuant to 18 U.S.C. 3563(e) and 18 U.S.C. 3583(d).

The maximum statutory penalty: 2 years imprisonment; Up to life supervised release. Class C Felony

The revocation range of imprisonment: 5 to 11 months. Grade C Violation. Criminal History Category III

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 07/13/2023.

Submitted:

Approved:

☒ Phone Approval

*Juan C. Vidal*

Juan Vidal-Alvizo  
U.S. Probation Officer  
Cell #: 505-280-0163

Paul Spiers  
505-346-7274  
Assistant U.S. Attorney

Date: 07/13/2023